

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MAY 7, 2007

Study Session

Mr. Collinsworth opened the Study Session at 7:00 p.m. on this date.

Roll Call

Council Members in attendance included: President William D. Beagle, Vickie K. Blakey, Rick Mains, Jr., Tim Evans, Mayor George H. Lovett, Donald H. Ochs, and Patrick Hale.

Others in attendance included: Assistant City Manager Bradley C. Vath, Joe Bagi, Elden Eidemiller, Colleen Eidemiller, Carol Owens, Gary Weak, David Burig, Eric Eidemiller, Richard Mosier, Dan Shappie, Gearied F. Hitchcock Jr., Fire Chief Steve Kessler, *Tipp Herald* reporter Mike Kelly, Law Director Joseph P. Moore, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

**Discussion -
Eidemiller Rezoning**

Mr. Vath used the attached PowerPoint Presentation to discuss the previous and present rezoning requests submitted by U.S. Bank NA, Trustee for S. Joe Eidemiller. The current zoning request would rezone +/- 75.565 acres located at 610 W. Kessler-Cowlesville Road. The applicant is requesting 22.906 acres be rezoned from Light Industrial/Planned Office Industrial (I-1/POI) to Planned Commercial (PC) and 52.659 acres from Light Industrial/Planned Office Industrial (I-1/POI) to Planned Residential (PR).

Mr. Vath reported Tipp City had 177 existing platted lots in the City. He then discussed the Coppock and Loring/Bernhardt properties that were annexed into the City with development moratoriums.

Staff presented two ordinances to City Council. The first ordinance required both the PC and PR to be developed together with the required 60' right-of-way. The second ordinance required both the PC and PRD to be developed together with the required 60' right-of-way, a moratorium for a period of time established by City Council, and required the property be developed as an "Age Restricted Retirement Development.

Mayor Lovett asked if staff had concerns about the development of a nursing home or assisted living facility on this property. Mr. Vath voiced no concerns.

Mayor Lovett stated that empty-nester homes were needed in the community. Mayor Lovett asked if the applicant would be able to proceed with the development restrictions that would be tied to the proposed zoning. David Burig stated that the initial development would be on the 22 acres and if there was a demand for more housing the applicant would seek to expand the development.

Mayor Lovett asked how soon the developer would begin the project if City Council approved the rezoning request. Mr. Burig stated that the development could begin in late 2007 or early 2008.

Mayor Lovett noted that City Council had imposed moratoriums on other developments in the past and asked how the developer would react should a moratorium be placed on this development. Mr. Burig stated that he would be disappointed if a moratorium was imposed. Mr. Burig stated that the intent was to build an attractive empty-nester development that would meld well into the community.

Mrs. Blakey asked if this would be Mr. Burig's first development. Mr. Burig confirmed this would be his first development.

Mr. Vath noted that the PC zoning would provide City Council with control over the development but would open the doors to additional uses. Mrs. Blakey stated if bars, taverns, and hotels would be a permitted use. Mr. Burig stated that his intention was to develop a professional building, i.e. doctor's and dentist's offices. This parcel was not suited for highway drive by traffic or visibility.

Joe Eidemiller stated that the development of the PC portion of the property would be attractive and complement the residential development.

Elden Eidemiller asked why the City imposed moratoriums on the Coppock and Loring/Bernhardt properties. Mr. Evans stated that when the State's annexation laws changed the City was inundated with annexation requests. Mr. Collinsworth added that the Loring's voluntarily entered into the moratorium while the Coppock moratorium was imposed because Hunter's Ridge and Rosewood Creek were under development.

Mr. Eidemiller stated that this property was ready to be developed and had access to utilities.

Mr. Burig stated that the empty-nester development would contain condominiums in a quad configuration with a European architecture with ponds and fountains. The rest of the development would consist of zero lot line duplexes.

Mr. Evans asked if the developer would be selling the units. Mr. Burig confirmed that the units would be sold not retained by the developer.

Mrs. Blakey asked if the streets would be private or maintained by the City. Mr. Vath stated that the internal streets would be private but the main roadways would be maintained by the City. Mr. Collinsworth noted that if the development expanded a replat would be required.

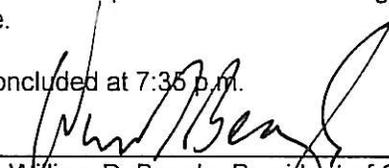
Mayor Lovett stated that Mr. Hale and Mrs. Blakey lived near the proposed development and asked if their neighbors had voiced any opposition to the development. Mrs. Blakey and Mr. Hale stated that no one has expressed a concern over the residential development but were concerned that the development would develop as it is being presented today.

Mayor Lovett and Mrs. Blakey stated that the empty-nester concept would be an asset to the community and a development that attracted families with children would impact the City's schools.

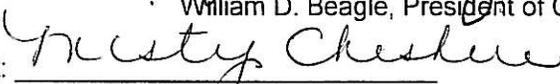
President Beagle asked the Law Director to explain the procedure for amending ordinances after the first reading. Mr. Moore stated that an ordinance that was amended to be less restrictive would not require a new first reading. On the other hand, an ordinance that is amended to add restrictions would require a new first reading and delay the passage of the ordinance.

Adjournment

The study session concluded at 7:35 p.m.



William D. Beagle, President of Council

Attest: 

Misty Cheshire, Clerk of Council

Study Session
5.7.2007

EIDEMILLER REZONING

1

HISTORY OF PROPERTY

- ✘ 6.19.1989 Annexed into Tipp City (total 203 ac.)
- ✘ 12.4.1989 Rezoned from A-1 to I-1/PID
- ✘ 1992 - Meijers developed part of property
 - + Meijer's project had the contractual provision as part of the Preliminary Plan Agreement that "no semi tractors, with or without trailers, other than emergency vehicles shall access or depart the property via Kessler-Cowlesville Road."
- ✘ 8-16-1993 Rezoned from I-1/PID to I-1/POI
 - + City initiated update to code and zoning map.
- ✘ 11-1996 +/- 5 acres purchased by Meijers

2

FIRST REZONING REQUEST

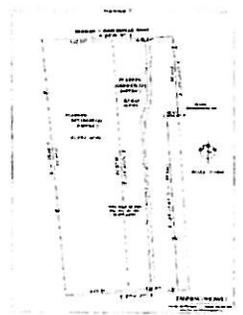
- ✘ 7-2006 - Applicant filed for Rezoning of +/-75.565 acres from I-1/POI to PRD.
 - + 7.11.2006 NEGATIVE recommendation from Planning Board to City Council.
 - + 10.10.2006 Applicant withdrew their pending rezoning request, prior to Council action.



3

2ND REZONING REQUEST

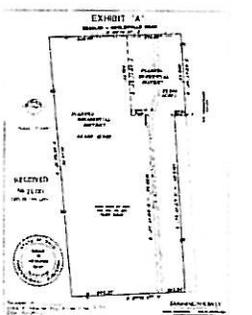
- ✘ 2-2007 - Applicant filed for Rezoning of +/- 75.565 acres to PC (33.532 acres) and PRD (42.033 acres).
 - + 3.13.2007 Planning Board held public hearing on request, took testimony, questions raised about PC configuration and Meijer's operations.



4

2ND REZONING REQUEST - CON.

- ✘ 4.10.2007 Reopened Public Hearing, with revised configuration of 22.906 acres PC & 52.659 acres PRD
 - + Discussed:
 - ✘ Moratoriums
 - ✘ Unified development of all +/-75.565 acres
 - ✘ Needed N>S roadway as required in Thoroughfare Plan
 - ✘ Pace and number of residential units in Tipp City
 - + Planning Board recommended (3-2) rezoning to City Council.



5

TIPP CITY HOUSING STATS

✘ Housing Units/Year		✘ Vacant Lots as of 2.14.07	
+ 2000	21	+ Hunter's PRD	54
+ 2001	37	+ Hunter's Sect. 2	12
+ 2002	46	+ Rosewood 1&2	61
+ 2003	55	+ Sycamore Wds 1-7	13
+ 2004	77	+ Curry Branch 1&2	32
+ 2005	82	+ Bowman Woods	4
+ 2006	34	+ Manchester Chase	1
Average	50	TOTAL	177

6

<p>COPPOCK PROPERTY</p> <ul style="list-style-type: none"> * +/-44.577 acre property annexed in 2004, located on CR25A north of Evanston. * Ord. 57-04 rezoned to PRD <ul style="list-style-type: none"> + That the petitioner has requested that NO plat planning nor development shall commence within the first 26 months after the effective date of this Ordinance. This shall include Preliminary Sketches, Preliminary Plats/Plans, etc." + Expired on 2.15.2007 	<p>LORING/BERNHARDT PROPERTY</p> <ul style="list-style-type: none"> * +/- 81.201 acre property annexed in 2002, located north of Woodlawn & Windmere Subdivisions * Ord.33-02 rezoned to PRD <ul style="list-style-type: none"> + ...hereby rezoned, prohibiting the development of said property for a period of 5-years from the adoption date of this Ordinance. + Expires on 10.21.2007
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PREVIOUS DEVELOPMENT MORITORIUMS

7

PLANNING PRACTICES

- * Meijer's +/-183 acres is zoned I-1/POI immediately east of the Eidemiller parcel.
- * Good planning practices separates (steps down) industrially zoned property from residentially zoned property by some type of commercial property.
- * Creation of commercial "buffer."
- * To maximize the control over the commercial property a "PC" designation was selected to have all +/-75.565 acres develop at one time.

8

PLANNING PRACTICES – CON.

<ul style="list-style-type: none"> * 2003 CMAP shows this area is in Planning Area #15, which shows this area as "Industrial/ Office Park and Office Service." + "Retirement Community is noted regarding the Office Service area at the NW corner of the parcel. 	<ul style="list-style-type: none"> * 2006 Thoroughfare Plan shows a 60' right-of-way N>S thru this property. * Proposed rezoning shows required ROW on plans, as required by Thoroughfare Plan. * PC "uses" see handout. * I-1/POI "uses" see handout.
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<p>ORDINANCE VERSION 1</p> <ul style="list-style-type: none"> * Requires both the PC and PRD to be developed together with the required 60' ROW. (Section 4) 	<p>ORDINANCE VERSION 2</p> <ul style="list-style-type: none"> * Requires both the PC and PRD to be developed together with the required 60' ROW. (Section 4) * Allows for a moratorium of ___ years/months. (Section 5) * Requires property to be developed as "Age Restricted Retirement Development." (Section 6)
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POTENTIAL ORDINANCES & ACTION

10

Q&A

11

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

MAY 7, 2007

Roll Call

President William D. Beagle called to order the regular meeting of the Tipp City Council at 7:39 p.m. Roll call showed the following Council Members present: Rick Mains, Jr., Vickie K. Blakey, Donald H. Ochs, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

In attendance: City Manager David A. Collinsworth, Law Director Joseph P. Moore, Assistant City Manager Bradley C. Vath, Finance Director Richard Drennen, EMS Chief Mark Senseman, Fire Chief Steve Kessler, *Independent Voice* reporter Matt Bayman, *Tipp Herald* reporter Mike Kelly, *Dayton Daily News* reporter Nancy Bowman and Clerk of Council Misty Cheshire.

Citizens signing the register included: Nathan Walters, Richard Mosier, Elden Eidemiller, Mike McDermott, Misty McDermott, Elizabeth LeBlanc, Erika Lindenauer, Jessica Adams, Alex Armstrong, Alex Bell, Jennifer Blackburn, Emma Benner, Kaiti Fitch, Suzanne McGillvary, Floyd McGillvary, Bradley Warkentine, Tyler Staas, Brian Smith, Shayne Boomshir, Lisa Diaz, Ashley Smith, Betsy Feeser, Christian Smith, Dustin Eisele, Michael Hartman, Andrew Ford, Kevin Johnson, Jake Roberts, Kristen Sullivan, Mike Woody, Dan Dodds, Jesse Ratcliff, Jared Belcher, Eric Eidemiller, Colleen Eidemiller, Tim Logan, Jack Berry, Marc Nathan McKinney and Joseph Kourne.

Invocation and Pledge of Allegiance

Pastor Bradley Warkentine from the Tipp City Church of the Nazarene delivered the invocation. President Beagle led the Pledge of Allegiance.

Approval of Agenda

Mr. Evans moved, seconded by Mr. Ochs, to approve the agenda. The motion carried.

Adoption of Minutes

Mr. Hale moved to adopt the minutes of the April 16 Pre-Meeting Study Session, seconded by President Beagle. The motion unanimously carried.

Mayor Lovett moved to adopt the minutes of the April 16, 2007 City Council Meeting, seconded by Mr. Evans. The motion carried with a vote of 7-0.

Presentations & Awards

Poppy Days
Proclamation

Mayor Lovett proclaimed the month of May as "Poppy Days" and urged citizens of the community to recognize the merits of the cause and occasion, and to lend their generous support to this organization for the worthwhile service which they render to our community.

Ordinances
(Second Reading and
Public Hearing)
Ordinance 17-07
N. Hyatt Street
Assessments

The following ordinance was presented to City Council for second reading and public hearing.

Ordinance 17-07: An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches on North Hyatt from W. Main St. north to N. Westedge and Park Avenue.

Clerk of Council Summary: This ordinance authorizes the levying of sidewalk, curb, gutter and driveway approach special assessments for certain property owners on North Hyatt Street between Main Street and Park Avenue.

City Manager Report: Mr. Collinsworth noted that with the completion of the N. Hyatt St. reconstruction project last year, the City was ready to move forward with levying assessments for sidewalk, curb & gutter. He stated that a total of 37 property owners were affected and have been mailed a final notice concerning the total actual construction cost for the work performed. The property owners can pay the invoiced amount now or have it placed on the property tax duplicate for payment over the next 10 years. Mr. Collinsworth reported that the total amount of the proposed assessments was \$53,020.53, which amounted to an average assessment of \$1,433 per property owner.

There being no additional comments, Mr. Ochs sponsored this ordinance and moved for its adoption, seconded by Mrs. Blakey. The motion unanimously carried. Ordinance 107 was declared passed and President Beagle affixed his signature in witness thereto.

Ordinance 18-07
Sidewalk, Curb &
Gutter Assessments

Ordinance 18-07: An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in various locations within the City of Tipp City, Ohio.

Clerk of Council Summary: This ordinance authorizes the levying of sidewalk, curb, gutter and driveway approach special assessments for certain property owners throughout the City of Tipp City.

City Manager Report: Mr. Collinsworth noted that the City had made several repairs throughout the City last year and billed the adjacent property owners for the repairs. He noted that 41 property owners had not paid their assessments. Upon passage of this ordinance the City will place the assessments on the tax duplicates to be repaid over a 10 year period in semi-annual installments with the property tax bill.

There being no additional comments, Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Mains. The motion unanimously carried. Ordinance 18-07 was declared passed and President Beagle affixed his signature in witness thereto.

Ordinance 19-07
Donn Davis Way
Rezoning

Ordinance 19-07: An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/- 11.274 acres (part of Inlot #3737) located south and west of Donn Davis Way, from Light Industrial (I-1) to Highway Services (HS) zoning classification.

Clerk of Council Summary: The Planning Board has reviewed and recommends approval of this requested rezoning.

City Manager Report: Mr. Collinsworth reported that Berry-Logan Properties LLC requested a change in zoning for a portion of their landholdings along Donn Davis Way. This request concerns approximately 11.3 acres at the northwest corner of Donn Davis Way

and East Kessler-Cowlesville Road. If approved the zoning would be changed from Light Industrial (I-1) to Highway Service (HS).

President Beagle opened the public hearing. Law Director Moore swore in those wishing to testify during the public hearing. There being no testimony, Mayor Lovett moved to close the public hearing, seconded by Mrs. Blakey.

There being no additional comments, Mr. Hale sponsored this ordinance and moved for its adoption, seconded by President Beagle. The motion unanimously carried. Ordinance 19-07 was declared passed and President Beagle affixed his signature in witness thereto.

**Ordinances
(first reading)**

The following ordinance was presented to City Council for first reading. The second reading and public hearing will occur at the May 21, 2007 meeting.

Eidemiller Rezoning

Mayor Lovett sponsored an ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/- 75.565 acres located on part of Inlot #2392, from I-1/POI, Light Industrial District, to +/- 22.906 acres PC, Planned Commercial District and +/- 52.659 acres PRD, Planned Residential District, within the City of Tipp City.

Clerk of Council Summary: The Planning Board reviewed and recommended a zoning designation change from Light Industrial to Planned Residential District and Planned Commercial District for the Eidemiller property located at 610 W. Kessler-Cowlesville Road. A public hearing has been scheduled for this item on May 21, 2007.

City Manager Report: Mr. Collinsworth noted that the Planning Board recommended the proposed rezoning by a vote of 3-2. He noted that this rezoning would split the property, known as the Eidemiller Farm immediately west of the Meijer Distribution Center, into two tracts. The rezoning request would zone 52.7 acres Planned Residential District and the remaining 22.9 acres Planned Commercial. Mr. Collinsworth noted that City Council held a study session on this request prior to the meeting.

Following a brief discussion with the Law Director and applicant regarding age guidelines for the development it was agreed that the age limitations should follow the Fair Housing guidelines. Mayor Lovett then moved to sponsor the "green" ordinance with the following deletions:

~~SECTION 5. That the rezoning of the property described herein shall not be developed for a period of _____ () months/years from the adoption date of this Ordinance. A recordable agreement containing this restriction satisfactory to the City prohibiting the development of said property for a period of _____ () months/years shall be recorded as an encumbrance for this property after the effective date of this Ordinance by the City.~~

SECTION 6. That the +/- 52.659 acre property shall only be developed as an "Age-Restricted Retirement Development." This development shall have a minimum age restriction for at least one occupant in each dwelling being 55 years of age or older. This

~~development shall target healthy, active adults and include on-site amenities such as: walking paths, open space, water features, social and recreational activities, as well as other conveniences, such as exercise rooms, and club house. This age-restricted retirement development shall be privately owned (one lot for the +/- 52.659 acres), and may require monthly rental fees with varying lease terms, security deposits, and rental agreements.~~

Motions

Board Appointment

David Werts and Joanna Pittenger were unanimously reappointed to the Tipp-Monroe Cable Access Commission; both terms will expire on April 30, 2009.

Street Naming

Mr. Evans moved to add an additional name designation for a portion of Donn Davis Way and directed staff to draft legislation that would give Donn Davis Way the additional designation of George W. Bush Parkway, seconded by Mr. Hale. The motion carried with a vote of 6-1 vote, Mrs. Blakey cast the dissenting vote.

Public Hearing BZA
Variance Appeal

Mr. Ochs moved to schedule a public hearing on May 21, 2007 to consider an appeal of two BZA decisions regarding Case 03-07, submitted by Mark Lee representing Menard, Inc., seconded by Mr. Hale. The motion carried with a vote of 7-0.

Citizen Comments

J. Kourne

Joseph Kourne, 1537 Beaver creek Lane, Kettering, Ohio, prayed for the safe return of the U.S. Troops overseas. He requested a copy of the letter Steve Bruns sent to President George W. Bush that resulted in a visit from the President in May. Mr. Kourne gave his condolences to the families who lost children during the Virginia Tech shootings.

S. McGillvary

Suzanne McGillvary, 616 W. Main Street, stated that 46 property owners were being affected by Phase II of the Main Street Streetscape Project. She asked how many of the 45 properties had a before and after value analysis appraisal completed. Mr. Collinsworth stated that he was not familiar with the terminology Ms. McGillvary used and explained the appraisal process used by the City was required by the Ohio Department of Transportation.

Ms. McGillvary asked the City Manager to explain the difference between a fair market value estimate and a before and after value analysis appraisal. Mr. Collinsworth stated that he could not offer that explanation and recommended that Ms. McGillvary contact the firm of DLZ whom the City contracted with to conduct right-of-way acquisitions.

Ms. McGillvary asked if any of the 46 property owners given monetary payout for change to the residue or for proximity damages. Mr. Collinsworth stated that the question should be directed to DLZ.

Ms. McGillvary asked if in the event of a tragic event or disaster if a provision or guarantee was given to property owners on Main Street that would allow residents to rebuild their property in the exact location with the same square footage. Mr. Collinsworth stated that he wasn't sure that would change irrespective of the right-of-way acquisition process. The City has obtained easements for the road improvement project and if the condition described by Ms. McGillvary occurred before

or after the easement was acquired he wasn't sure if the Code would be affected by the act.

Ms. McGillvary asked if the Code required structures to be a certain distance from the right-of-ways and property lines. Mr. Collinsworth agreed that the City Code did address building setbacks. Ms. McGillvary asked if the setback requirements change due to the new easements what guarantee does the property owner have to ensure that they have not taken a total loss to the land. Ms. McGillvary referenced a similar situation that occurred in Fletcher, Ohio, where a car totaled a home and that home was not allowed to be rebuilt due to Code setback requirements. She asked how the property owners on Main Street were protected from suffering a whole and total loss of their assets. Mr. Collinsworth stated that he could not give a blanket response to that question; the answer would vary on a case by case basis.

Ms. McGillvary asked if the City established a budget for litigation in the Streetscape Project for land owners that have not signed off on the easements. Mr. Collinsworth stated that he did not believe that there was a litigation line item in the Streetscape budget.

Mr. Moore stated that Ms. McGillvary asked questions about the appraisals and before and after damages to the residue would not be information that he didn't have at hand. DLZ determines how the figures are arrived at and are better equipped to answer Ms. McGillvary's questions. Mr. Moore stated that all of the answers would be provided to Ms. McGillvary and the City was not attempting to hide anything.

Ms. McGillvary stated that through her research she discovered there is a difference between a fair market estimation and a before and after analysis. She stated that it was her impression, that the City presented information to her as an appraisal and in fact the information was a fair market value estimate which is drastically different than a before and after value analysis appraisal.

D. Dodds

Dan Dodds, 698 Burnside Drive, stated that the barricades on Burnside Drive surrounded his driveway which prevented deliveries to his home. He felt the rescue squad could not get in and out of his driveway. Snow removal would be impossible. He could not use a trailer with his car. Mr. Dodds stated that his mailbox is within the barricades. He stated that he must drag his garbage across the street in order to have it pickup up. Mr. Dodds stated that he understood that the purpose of the barricades was to reduce construction traffic which he appreciated. He noted that he purchased the property 4 years ago and didn't expect to deal with the barricades for this amount of time. He added that he will be having a graduation party for his daughter this year and no one will be able to park at his home. He stated that he complied with all of the City's laws when installing his sidewalks, driveway access, trees, sod, and requested the City provide him with the same access to his home that the rest of the residents of the City have. Since the barricades were requested by the Township, Mr. Dodds suggested that the barricades be moved to the Township side of the road where the lots are wider. Another suggestion was to move the barricades farther east in front of an undeveloped lot.

**City Council Member
Comments**

Mr. Mains thanked the Levy Committee for the work they had done to promote the proposed Income Tax Increase. He encouraged citizens to vote on May 8th.

Mr. Ochs asked voters to support the City by passing the proposed Income Tax Increase Levy.

Mr. Hale encouraged students to vote if there were eligible.

Mr. Evans complimented the Chamber of Commerce, City Employees, and Tipp City Schools for their efforts during the recent presidential visit. He stated that the President's visit was a once in a life time opportunity. Mr. Evans thanked President George W. Bush for selecting Tipp City. He encouraged citizens to vote on May 8th.

Mayor Lovett encouraged citizens to vote in favor of the income tax levy. In regard to the barricades on Burnside Drive, Mayor Lovett stated that the City was trying to comply with the Township Trustees to diminish construction traffic in the Township. He stated that he didn't want to see anyone inconvenienced because of the barricades and ensured Mr. Dodds that staff would look into the matter and try to come up with a solution that would work for everyone.

President Beagle encouraged residents to vote and support the income tax levy.

**City Manger
Comments**

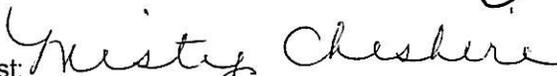
Mr. Collinsworth stated that a Main Street Streetscape meeting was scheduled for Thursday, May 10th at 5:30 p.m. at the Government Center to discuss the project scope and parameters with the affected residents. He stated that the City would speak to the Township Trustees about the barricades to determine if other alternatives were available.

Adjournment

There being no further business, it was moved by Mr. Ochs, seconded by Mr. Mains, that the meeting be adjourned. The motion unanimously carried. President Beagle declared the meeting adjourned at 8:42 p.m.



William D. Beagle, President of Council

Attest: 

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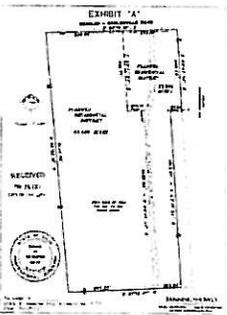
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- * To maximize the control over the commercial property a "PC" designation was selected to have all +/-75.565 acres develop at one time.

PLANNING PRACTICES – CON.

<ul style="list-style-type: none"> * 2003 CMAP shows this area is in Planning Area #15, which shows this area as "Industrial/ Office Park and Office Service." + "Retirement Community is noted regarding the Office Service area at the NW corner of the parcel." 	<ul style="list-style-type: none"> * 2006 Thoroughfare Plan shows a 60' right-of-way N>S thru this property. * Proposed rezoning shows required ROW on plans, as required by Thoroughfare Plan. * PC "uses" see handout. * I-1/POI "uses" see handout.
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<p>ORDINANCE VERSION 1</p> <ul style="list-style-type: none"> * Requires both the PC and PRD to be developed together with the required 60' ROW. (Section 4) 	<p>ORDINANCE VERSION 2</p> <ul style="list-style-type: none"> * Requires both the PC and PRD to be developed together with the required 60' ROW. (Section 4) * Allows for a moratorium of ___ years/months. (Section 5) * Requires property to be developed as "Age Restricted Retirement Development." (Section 6)
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POTENTIAL ORDINANCES & ACTION

Q&A

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

MAY 7, 2007

Roll Call

President William D. Beagle called to order the regular meeting of the Tipp City Council at 7:39 p.m. Roll call showed the following Council Members present: Rick Mains, Jr., Vickie K. Blakey, Donald H. Ochs, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

In attendance: City Manager David A. Collinsworth, Law Director Joseph P. Moore, Assistant City Manager Bradley C. Vath, Finance Director Richard Drennen, EMS Chief Mark Senseman, Fire Chief Steve Kessler, *Independent Voice* reporter Matt Bayman, *Tipp Herald* reporter Mike Kelly, *Dayton Daily News* reporter Nancy Bowman and Clerk of Council Misty Cheshire.

Citizens signing the register included: Nathan Walters, Richard Mosier, Elden Eidemiller, Mike McDermott, Misty McDermott, Elizabeth LeBlanc, Erika Lindenauer, Jessica Adams, Alex Armstrong, Alex Bell, Jennifer Blackburn, Emma Benner, Kaiti Fitch, Suzanne McGillvary, Floyd McGillvary, Bradley Warkentine, Tyler Staas, Brian Smith, Shayne Boomshir, Lisa Diaz, Ashley Smith, Betsy Feeser, Christian Smith, Dustin Eisele, Michael Hartman, Andrew Ford, Kevin Johnson, Jake Roberts, Kristen Sullivan, Mike Woody, Dan Dodds, Jesse Ratcliff, Jared Belcher, Eric Eidemiller, Colleen Eidemiller, Tim Logan, Jack Berry, Marc Nathan McKinney and Joseph Kourne.

Invocation and Pledge of Allegiance

Pastor Bradley Warkentine from the Tipp City Church of the Nazarene delivered the invocation. President Beagle led the Pledge of Allegiance.

Approval of Agenda

Mr. Evans moved, seconded by Mr. Ochs, to approve the agenda. The motion carried.

Adoption of Minutes

Mr. Hale moved to adopt the minutes of the April 16 Pre-Meeting Study Session, seconded by President Beagle. The motion unanimously carried.

Mayor Lovett moved to adopt the minutes of the April 16, 2007 City Council Meeting, seconded by Mr. Evans. The motion carried with a vote of 7-0.

Presentations & Awards

Poppy Days
Proclamation

Mayor Lovett proclaimed the month of May as "Poppy Days" and urged citizens of the community to recognize the merits of the cause and occasion, and to lend their generous support to this organization for the worthwhile service which they render to our community.

Ordinances
(Second Reading and
Public Hearing)
Ordinance 17-07
N. Hyatt Street
Assessments

The following ordinance was presented to City Council for second reading and public hearing.

Ordinance 17-07: An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches on North Hyatt from W. Main St. north to N. Westedge and Park Avenue.

Clerk of Council Summary: This ordinance authorizes the levying of sidewalk, curb, gutter and driveway approach special assessments for certain property owners on North Hyatt Street between Main Street and Park Avenue.

City Manager Report: Mr. Collinsworth noted that with the completion of the N. Hyatt St. reconstruction project last year, the City was ready to move forward with levying assessments for sidewalk, curb & gutter. He stated that a total of 37 property owners were affected and have been mailed a final notice concerning the total actual construction cost for the work performed. The property owners can pay the invoiced amount now or have it placed on the property tax duplicate for payment over the next 10 years. Mr. Collinsworth reported that the total amount of the proposed assessments was \$53,020.53, which amounted to an average assessment of \$1,433 per property owner.

There being no additional comments, Mr. Ochs sponsored this ordinance and moved for its adoption, seconded by Mrs. Blakey. The motion unanimously carried. Ordinance 107 was declared passed and President Beagle affixed his signature in witness thereto.

Ordinance 18-07
Sidewalk, Curb &
Gutter Assessments

Ordinance 18-07: An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in various locations within the City of Tipp City, Ohio.

Clerk of Council Summary: This ordinance authorizes the levying of sidewalk, curb, gutter and driveway approach special assessments for certain property owners throughout the City of Tipp City.

City Manager Report: Mr. Collinsworth noted that the City had made several repairs throughout the City last year and billed the adjacent property owners for the repairs. He noted that 41 property owners had not paid their assessments. Upon passage of this ordinance the City will place the assessments on the tax duplicates to be repaid over a 10 year period in semi-annual installments with the property tax bill.

There being no additional comments, Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Mains. The motion unanimously carried. Ordinance 18-07 was declared passed and President Beagle affixed his signature in witness thereto.

Ordinance 19-07
Donn Davis Way
Rezoning

Ordinance 19-07: An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/- 11.274 acres (part of Inlot #3737) located south and west of Donn Davis Way, from Light Industrial (I-1) to Highway Services (HS) zoning classification.

Clerk of Council Summary: The Planning Board has reviewed and recommends approval of this requested rezoning.

City Manager Report: Mr. Collinsworth reported that Berry-Logan Properties LLC requested a change in zoning for a portion of their landholdings along Donn Davis Way. This request concerns approximately 11.3 acres at the northwest corner of Donn Davis Way

and East Kessler-Cowlesville Road. If approved the zoning would be changed from Light Industrial (I-1) to Highway Service (HS).

President Beagle opened the public hearing. Law Director Moore swore in those wishing to testify during the public hearing. There being no testimony, Mayor Lovett moved to close the public hearing, seconded by Mrs. Blakey.

There being no additional comments, Mr. Hale sponsored this ordinance and moved for its adoption, seconded by President Beagle. The motion unanimously carried. Ordinance 19-07 was declared passed and President Beagle affixed his signature in witness thereto.

**Ordinances
(first reading)**

The following ordinance was presented to City Council for first reading. The second reading and public hearing will occur at the May 21, 2007 meeting.

Eidemiller Rezoning

Mayor Lovett sponsored an ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/- 75.565 acres located on part of Inlot #2392, from I-1/POI, Light Industrial District, to +/- 22.906 acres PC, Planned Commercial District and +/- 52.659 acres PRD, Planned Residential District, within the City of Tipp City.

Clerk of Council Summary: The Planning Board reviewed and recommended a zoning designation change from Light Industrial to Planned Residential District and Planned Commercial District for the Eidemiller property located at 610 W. Kessler-Cowlesville Road. A public hearing has been scheduled for this item on May 21, 2007.

City Manager Report: Mr. Collinsworth noted that the Planning Board recommended the proposed rezoning by a vote of 3-2. He noted that this rezoning would split the property, known as the Eidemiller Farm immediately west of the Meijer Distribution Center, into two tracts. The rezoning request would zone 52.7 acres Planned Residential District and the remaining 22.9 acres Planned Commercial. Mr. Collinsworth noted that City Council held a study session on this request prior to the meeting.

Following a brief discussion with the Law Director and applicant regarding age guidelines for the development it was agreed that the age limitations should follow the Fair Housing guidelines. Mayor Lovett then moved to sponsor the "green" ordinance with the following deletions:

~~SECTION 5. That the rezoning of the property described herein shall not be developed for a period of _____ () months/years from the adoption date of this Ordinance. A recordable agreement containing this restriction satisfactory to the City prohibiting the development of said property for a period of _____ () months/years shall be recorded as an encumbrance for this property after the effective date of this Ordinance by the City.~~

SECTION 6. That the +/- 52.659 acre property shall only be developed as an "Age-Restricted Retirement Development." This development shall have a minimum age restriction for at least one occupant in each dwelling being 55 years of age or older. This

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MAY 7, 2007

Study Session

Mr. Collinsworth opened the Study Session at 8:55 p.m. on this date.

Roll Call

Council Members in attendance included: President William D. Beagle, Vickie K. Blakey, Rick Mains, Jr., Tim Evans, Mayor George H. Lovett, Donald H. Ochs, and Patrick Hale.

Others in attendance included: Fire Chief Steve Kessler, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

**Discussion -
Miami County Hazmat
Agreement**

Mr. Collinsworth announced that the Cities of Troy, Piqua, and Tipp City had been approached by the Miami County Emergency Management Agency to fund a portion of the Miami County Hazmat Coordinator's salary. The Hazmat Coordinator's duties would include risk evaluations, program development, emergency response, site inspections for Extremely Hazardous Substances (EHS), prepare reports, coordinate and plan training for first responders.

The position will be part-time with an estimated salary of \$18,000 - \$22,000 annually. During the first three years the position would be funded by the Miami County Clerk of Courts and would be managed by the Miami County Emergency Management Agency. Mr. Collinsworth noted that beginning January 1, 2010, Tipp City's annual share would be \$4,000 which was based upon the number of EHS sites within the City. Mr. Collinsworth noted that the agreement would expire annually and had a 90 cancellation clause.

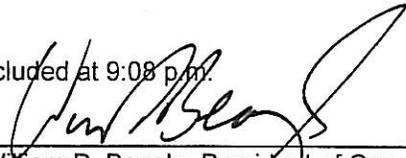
Fire Chief Steve Kessler stated that this new position would be a valuable asset to the City and encouraged City Council's involvement. He noted that most of the equipment was in place for the Hazmat crew and didn't foresee additional equipment costs for the City. Mr. Collinsworth added that funding for equipment would be available through Homeland Security Funds.

Mr. Ochs stated that for the price the City was gaining a great service. City Council agreed and directed staff to add this item to the May 21st agenda.

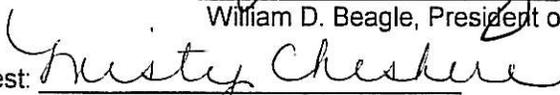
Mrs. Blakey asked if City Council needed to complete the NIMS training. Chief Kessler could arrange a training session for City Council. Mr. Collinsworth stated that the training could also possibly be done prior to a City Council Meeting.

Adjournment

The study session concluded at 9:08 p.m.



William D. Beagle, President of Council

Attest: 

Misty Cheshire, Clerk of Council